

JUL 20 2005

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/009,621

Filing Date

May 14, 2002

First Named Inventor

HERPIN

Art Unit

1639

Examiner Name

EPPERSON, Jon D.

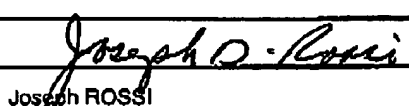
Attorney Docket Number

USA3321 US PCT

ENCLOSURES (Check all that apply)

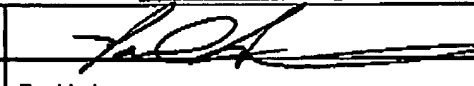
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|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|-------|
| Firm Name | AVENTIS PHARMACEUTICALS INC. | | |
| Signature |  | | |
| Printed name | Joseph ROSSI | | |
| Date | July 20, 2005 | Reg. No. | 47038 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: (USPTO FAX NO. 571-273-8300; Total No. of Pages Transmitted: 4)

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| Signature |  | | |
| Typed or printed name | Paul Irvine | Date | July 20, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
HERPIN, et al.


Examiner: Jon Epperson

Art Unit: 1639

Application No.: 10/009,621

Filed: May 14, 2002

Title: **SOLID PHASE SYNTHESIS OF N,N-
DISUBSTITUTED
DIAZACYCLOALKYLCARBOXY
DERIVATIVES**

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|--|
| <p>Certificate of Transmission</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO, 571-273-8300 on the date indicated below.</p> <p>Date of Deposit July 20, 2005</p> <p>Printed Name of Person Signing Certificate <u>Paul Irvine</u></p> <p>Signature <u></u></p> |
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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION/ ELECTION REQUIREMENT

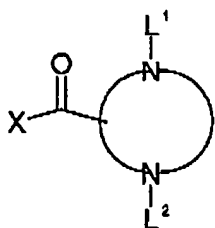
In response to the Restriction Requirement, dated June 23, 2005 ("the Action"),

Applicants submit as follows:

Applicants elect **Group I**, *i.e.*, claims 15 to 21 and 29, drawn to a method for forming a first diazacycloalkylcarboxy derivative and further subjecting said diazacycloalkylcarboxy derivative to acid cyclization. Applicants disagree respectfully with the Action's characterization of the claims of Group I to the extent that it appears to include the term "hydantoin" as a limitation of the claims (*see* page 2 of the Action). As clearly stated in claim 15, for example, the invention is defined as a "method of preparing a diazacycloalkylcarboxy derivative of formula

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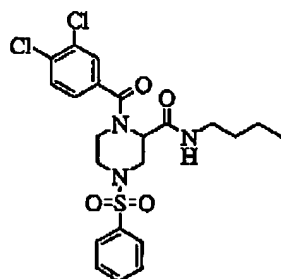
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. Thus, since the word "hydantoin" is not included in Applicants' claims,

Applicants disagree with the Action's characterization of Group I.

Further in response to the species election requirement, Applicants elect the compound of Example 3, N-butyl 1-(3,4-dichlorobenzoyl)-4-phenylsulfonylpiperazine-2-carboxamide,



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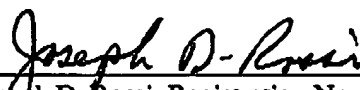
Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: July 20, 2005



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Attorney for Applicant

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Docket No. USA3321 US PCT